IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

WP(C).No. 16804 of 2007(A)

PETITIONER:

M. BALAKRISHNAN NAIR,
CIRCLE INSPECTOR OF EXCISE,
EXCISE CIRCLE OFFICE,
KOTTARAKKARA.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY,
SMT.N.SANTHA,
SRI.PETER JOSE CHRISTO.

RESPONDENTS:
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1. **THE COMMISSIONER OF EXCISE,**
COMMISSIONERATE OF EXCISE,
THIRUVANANTHAPURAM.

2. **V. SANAL KUMAR,**
CICLE INSPCTOR OF EXCISE,
EXCISE CIRCLE OFFICE,
KUTTANAD, UNDER ORDERS OF TRANSFER
AS CIRCLE INSPECTOR OF EXCISE,
KOTTARAKKARA.

BY GOVT. PLEADER SRI. BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 16804 OF 2007-A

JUDGMENT

The petitioner is at present working as Circle Inspector of Excise, Kottarakkara. He was posted there at his request as per Ext.P2 order dated 13.1.2006. The petitioner has not completed his usual tenure there. He is due to retire from service in June, 2008 also. While so, by Ext.P1, he has been transferred to Thiruvananthapuram. This writ petition is filed, challenging Ext.P1.

2. The petitioner claims protection from transfer, on the ground that he has not completed three years' service in the present station and also pointing out that he has got only about one year left for retirement. A personal inconvenience is also highlighted by the petitioner. His mother inflicted with arthritis is being treated by an Ayurvedic Practitioner at Kottarakkara. So, his transfer will affect her treatment also.

3. Yet another point highlighted by the petitioner is that the reason given in Ext.P1 for transferring him is not correct. He is not likely to get any promotion before his retirement and therefore, the posting given to him to get “office service” is only a convenient ruse to shift him, to

accommodate the 2nd respondent in his place.

4. This Court can interfere with a transfer, if the same is illegal or vitiated by mala fides. No illegality has been brought to my notice, except violation of the norms. The allegations to the effect that the transfer is ordered to accommodate the 2nd respondent is not sufficient to come to the conclusion that the transfer order is vitiated by mala fides. Further, the petitioner is a native of Thiruvananthapuram. Therefore, the transfer at the fag end of his career is to his native place. If the petitioner is aggrieved by the transfer, he may invoke his right to represent against the same.

Having regard to the totality of the circumstances, I feel that no ground has been made out warranting interference with Ext.P1. Accordingly, the writ petition is dismissed.

1st June, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/